

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,) 8:16CR256
)
vs.)
)
ALAN RUSSELL AND MARCUS LEROY) ORDER
SANDERS)
)
Defendant..

This matter is before the court on defendant Alan Russell's Unopposed Motion to Continue Trial [65]. Counsel is seeking to continue trial to allow defendant to care for family members who are experiencing serious medical problems and to allow counsel to further investigate the alleged crime that happened in 2014. Defendant has complied with NECrimR 12.1(a). For good cause shown,

IT IS ORDERED that the Russell's Motion to Continue Trial [65] is granted as follows:

1. The jury trial, **for all defendants**, now set for March 7, 2017 is continued to **May 9, 2017**.
2. The defendant has filed an affidavit required by paragraph 9 of the progression order and NE.CrimR 12.1(a) forthwith.
3. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and May 9, 2017**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

DATED February 14, 2017.

BY THE COURT:

s/ Susan M. Bazis

United States Magistrate Judge